

## BOARD MEETING

Las Vegas Chamber of Commerce  
Turnberry Town Square  
6671 Las Vegas Boulevard, South  
Building D1, Suite 300  
Las Vegas

April 14 & 15, 2010

The meeting was called to order at 9:00 a.m. by Don Fey, Board President.

### Board Members Present:

Keith Macdonald	Beth Foster	Kirk Wentworth
Donald Fey	Chad Luebke	Mary Lau

### Board Members Absent:

Kam Gandhi

### Board Staff Present:

Larry Pinson	Jeri Walter	Carolyn Cramer	Kimberly Arguello
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## CONSENT AGENDA

The Consent Agenda contains matters of routine acceptance. The Board Members may approve the consent agenda items as written or, at their discretion, may address individual items for discussion or change.

1. Approval of March 3-4, 2010, Minutes
2. Applications for Out-of-State MDEG – Non Appearance:
  - A. Enteral Products, LLC – Santa Fe Springs, CA
  - B. Home Delivery Incontinent Supplies Co. – Olivette, MO
  - C. MDC Acquisition Co. – Rancho Cucamonga, CA
  - D. MDC Acquisition Co. – Twinsburg, OH
  - E. Medi Trade – Miami, FL
  - F. Praxair Healthcare Services, Inc. – St. George, UT
  - G. RGH Enterprises, Inc. – Clifton Park, NY
  - H. RGH Enterprises, Inc. – Dinsmore, FL

- I. RGH Enterprises, Inc. – Elgin, IL
- J. RGH Enterprises, Inc. – Fort Worth, TX
- K. Zevex, Inc. – Salt Lake City, UT

Applications for Out-of-State Pharmacy – Non Appearance:

- L. Almac Clinical Services, LLC – Durham, NC
- M. Cardinal Health Pharmacy Services, LLC – Edinburg, TX
- N. CareMed Pharmaceutical Services – Lake Success, NY
- O. Coram Specialty Infusion Services – Mandota Heights, MN
- P. EZ Pass Rx – Bountiful, UT
- Q. Omnicare Canoga Park, CA – Canoga Park, CA
- R. Petmedsnmore Inc. – Reseda, CA
- S. Russellville Pharmacy – Russellville, AL

Applications for Out-of-State Wholesaler – Non Appearance:

- T. Banyan International Corporation – Abilene, TX
- U. Bard Access Systems, Inc. – Salt Lake City, UT
- V. Bard Brachytherapy, Inc. – Carol Stream, IL
- W. Cangene BioPharma, Inc. – Baltimore, MD
- X. CuraScript SD Specialty Distribution – Tempe, AZ
- Y. Greer Laboratories Inc. – Lenoir, NC
- Z. Nephron Pharmaceuticals Corporation – Phoenix, AZ
- AA. Ozburn-Hessey Logistics, LLC – Plainfield, IN

Applications for Nevada Pharmacy – Non Appearance:

- BB. Alta Surgery Center – Reno
- CC. MedCare Pharmacy – Carson City
- DD. Walgreens #11766 – Las Vegas
- EE. Walgreens #12539 – Las Vegas
- FF. Wellcare Pharmacy III, LLC – Henderson

Applications for Nevada MDEG – Non Appearance:

- GG. American Home Companion, Inc. – Carson City
- HH. American Home Companion, Inc. – Elko

Discussion:

NOTE: Mary Lau recused from participation in the vote on Items DD and EE as Walgreens is a member of RAN. Kirk Wentworth recused from participation in the vote on Item CC as he is the owner that is selling MedCare Pharmacy.

Larry Pinson advised the Board that he got clarification regarding the hours of operation on Item M, Cardinal Health Pharmacy Services, and they will only be processing physician's orders when the hospital pharmacy is closed.

The consent agenda applications and supporting documents were reviewed.

Board Action:

Motion: Mary Lau found the consent agenda application information to be accurate and complete and moved for approval with the exception of Items CC, DD and EE.

Second: Chad Luebke

Action: Passed Unanimously.

Motion: Chad Luebke moved to approve Items CC, DD and EE.

Second: Keith Macdonald

Action: Passed Unanimously

Discussion:

Motion: Beth Foster found the minutes to accurate and complete and moved for approval.

Second: Chad Luebke

Action: Passed Unanimously.

REGULAR AGENDA

3. Disciplinary Actions:

- |    |                    |                |
|----|--------------------|----------------|
| A. | Sean H. Tran, R.Ph | (09-029-RPH-S) |
| B. | Evergreens Drug    | (09-029-PH-S)  |
| C. | Quan Haduong, MD   | (09-029-CS-S)  |

John Cotton and John Savage were present to represent Quan Haduong. Sean Tran was present to represent himself and Evergreens Drug.

Carolyn Cramer advised the Board that she was going to present the testimony of Eleanor Fodell and Danny Garcia. Carmen Garcia and Yenchi Haduong were going to testify on behalf of Dr. Haduong. Board staff presented 26 exhibits that were accepted

into the record and Mr. Cotton presented three exhibits on behalf of Dr. Haduong that were also accepted into the record.

Sean Tran, Eleanor Fodell, complainant, Danny Garcia, Board investigator, Carmen Garcia, Dr. Haduong's office staff member, and Yenchu Haduong, Dr. Haduong's wife and office staff member appeared and were sworn by President Fey prior to answering questions or offering testimony.

Carolyn Cramer gave opening statements and advised the Board of the circumstances of this matter.

Sean Tran gave opening statements and gave an overview of his career achievements and how he practices pharmacy.

John Cotton gave opening statements and advised the Board that methadone may have had nothing to do with the death of Greg Fodell.

Carolyn Cramer called Ms. Fodell to testify. Ms. Fodell brought a picture of Mr. Fodell to show the Board so they could see who she was going to be testifying on behalf of. Ms. Fodell stated that on the morning of Mr. Fodell's death she got up early and noticed that Mr. Fodell was breathing irregularly. She went down stairs and made coffee and did what she generally does in the morning. Mr. Fodell did not come down stairs, so around 10:00 a.m. she went upstairs to check on him and see how he was feeling. When she went into the bedroom she noticed that he was blue and she tried to arouse him. She found that he was unresponsive, called 911 and gave him CPR until the paramedics arrived. The paramedics continued with CPR to no avail and pronounced him dead.

Approximately a week after her husband's death, Ms. Fodell was going through her husband's things and found medications that were dispensed by Evergreens Drug. Ms. Fodell indicated that her husband had seen Dr. Haduong one time for back pain. Dr. Haduong prescribed methadone and Oxycodone. Ms. Fodell reported that her husband indicated that he did not feel well when he took the medications prescribed and got rid of them by putting them down the garbage disposal.

Ms. Fodell indicated that she was confused regarding the methadone and Oxycodone that she found after his death that had been dispensed by Evergreens Drug and asked for patient profiles from Walgreens, where Mr. Fodell originally had the prescriptions filled, and copies of the prescriptions from Dr. Haduong's office. Ms. Fodell indicated that she spoke with Ms. Haduong, and Ms. Haduong provided Ms. Fodell with Mr. Fodell's medical records and a Task Force profile for him. The records indicated that Mr. Fodell only saw Dr. Haduong once for his back pain when Dr. Haduong wrote the initial prescriptions for Mr. Fodell that were dispensed by Walgreens in September, 2008. Ms. Fodell went to Evergreens Drug and spoke with Sean Tran and explained her concerns and asked for a copy of the prescriptions written by Dr. Haduong for the methadone and Oxycodone she found after her husband's death. Mr. Tran did not

provide her a copy of the prescriptions, however he gave her a patient profile that showed that he filled the prescriptions in November, 2008 for Mr. Fodell. Ms. Fodell left Evergreens, but returned later and Mr. Tran finally gave her a copy of the prescriptions he filled from. Ms. Fodell discovered that they were the same prescriptions that were filled in September at Walgreens. When Ms. Fodell asked Mr. Tran why he filled prescriptions that were dated in September and were filled by Walgreens, he explained that he got approval from Jennifer at Dr. Haduong's office because the doctor was in surgery and was not available to speak. Ms. Fodell indicated that she left Evergreens Drug and filed a complaint with the Board of Pharmacy.

Ms. Fodell researched further and looked at her husband's cell phone records. On the day the prescriptions were filled by Evergreens Drug, Mr. Fodell had made several calls to Dr. Haduong's office. Ms. Fodell surmised that Dr. Haduong's office faxed a copy of the original prescriptions from September to Evergreens Drug and Sean Tran filled from the old faxed prescriptions.

The Board took a brief break to read the Autopsy and Quest Diagnostics lab reports.

Sean Tran questioned Ms. Fodell. He asked if she knew if Mr. Fodell was seeing other doctors and if he had been prescribed pain medications by any other doctors. Ms. Fodell said that Mr. Fodell was seeing a cardiologist, Dr. Goldsmith, however she did not know if Dr. Goldsmith was prescribing pain medications.

Mr. Cotton cross examined Ms. Fodell in depth regarding what they did the night before she found Mr. Fodell. He asked about their marital status and Ms. Fodell indicated that she had filed for divorce, however they were still living together and he died before any finality of the divorce. Mr. Cotton asked if she was aware of Mr. Fodell having suicidal tendencies and asked about commitment to Montevista Hospital. Mr. Cotton noted that the police report indicated that Mr. Fodell had been admitted several times for suicidal ideology. He continued his questioning regarding the validity of back pain, Mr. Fodell's use of methadone and the number of tablets she found in the bottle that was dispensed by Evergreens Drug.

The Board questioned Ms. Fodell regarding any cardiovascular problems Mr. Fodell might have had. Ms. Fodell stated that he had a heart catheter test ordered by Dr. Goldsmith and they found that everything was alright with Mr. Fodell's heart. When asked what Mr. Fodell was taking methadone for she stated that she did not know.

Carolyn Cramer called Danny Garcia to testify. Mr. Garcia reviewed his investigative procedures for the Board. Mr. Garcia testified that he requested a copy of Mr. Fodell's patient profile from Evergreens Drug and copies of the prescriptions for methadone and Oxycodone. He also asked for a copy of the prescriptions written for Mr. Fodell that were filled at Walgreens. Mr. Garcia compared what he received from the two pharmacies and noted a discrepancy with the written prescriptions. The copy of the prescription Mr. Tran gave Ms. Fodell was different from the copy Mr. Tran gave Mr. Garcia. Mr. Garcia questioned Mr. Tran regarding the discrepancy and Mr. Tran told

him that he destroyed what he provided to Ms. Fodell and obtained new backdated prescriptions for Oxycodone and methadone from Dr. Haduong. Mr. Garcia described Walgreens procedures for cancelling CII prescriptions and noted that they were both filled and cancelled appropriately. Mr. Garcia noted that CII prescriptions cannot be refilled or transferred, yet Mr. Tran filled prescriptions that were faxed to him two months after it was originally written and were well after the 14 day rule. Mr. Tran indicated that he thought it was alright to destroy the copies of the prescriptions that were faxed to him because he got new written prescriptions from Dr. Haduong. Mr. Garcia testified that he could find no indication that Mr. Tran ever spoke with Dr. Haduong. Mr. Tran had no information regarding Mr. Fodell having a bone fide relationship with Dr. Haduong in his records.

Mr. Tran testified that he received a telephone call from the medical assistant, Jennifer, at Dr. Haduong's office requesting a 7 day supply of methadone and Oxycontin for Greg Fodell. He cited the 72 hour rule for emergency fills. Mr. Tran stated that he asked why Dr. Haduong had not called and was told that the doctor was doing a procedure and could not place the call. Mr. Tran testified that Jennifer faxed over a copy of the prescriptions written in September for Mr. Fodell and he filled the prescriptions from the faxed copy. Mr. Tran stated that he got ID from Mr. Fodell when he came in to pick up the prescriptions to ensure it was Dr. Haduong's patient that he discussed with Jennifer. Mr. Tran indicated that he felt he did due diligence to ensure that he could treat Mr. Fodell for his pain. He stated he filled the prescription in good faith that Dr. Haduong would send hardcopy prescriptions within 72 hours. Mr. Tran accepted responsibility for not following up with Dr. Haduong's office.

Mr. Cotton questioned Mr. Tran and asked if he maintained any written notes regarding his conversations with Jennifer Palmer. Mr. Tran stated that he has notes but did not provide them to Mr. Garcia and admitted that he had actually never spoken with Dr. Haduong even though he knew he should have and he never followed up.

Carolyn Cramer cited various emergency fill regulations and discounted Mr. Tran's testimony that he was following Nevada's laws.

Carmen Garcia, the medical assistant and manager in Dr. Haduong's office testified. She indicated that she had been with Dr. Haduong since January, 2009 and described her duties in the office. Ms. Garcia indicated that Mr. Tran called and requested a re-write for the prescriptions he filled for Mr. Fodell because Jennifer never sent him hardcopy prescriptions. Ms. Garcia indicated that she asked Dr. Haduong to re-write the prescriptions and he did as he was asked.

Yenchi Haduong noted that she is a licensed pharmacist and does payroll for Dr. Haduong's office. Ms. Haduong indicated that she would have recommended a patient go to an ER for treatment or see the doctor at the hospital where he may be practicing.

Carolyn Cramer gave closing statements noting that there were three things at issue. There was no legitimate medical treatment, yet prescriptions were filled and dispensed

yielding a fatality. There were violations of federal and state laws regarding emergency filling of controlled substances, including Mr. Tran's acceptance of faxed prescriptions for CII's that were two months old and not received directly by speaking to Dr. Haduong. The November prescriptions were never authorized by Dr. Haduong and yet he wrote back dated prescriptions for methadone and Oxycontin which ultimately led to Mr. Fodell's death. Ms. Cramer cited each of the laws Mr. Tran and Evergreens Drug violated.

Mr. Tran made closing statements and stated that his testimony told the whole story of what transpired. Mr. Tran indicated that what he did was in the patient's best interest, however he indicated that he accepted responsibility for not following up in a timely manner to obtain written prescriptions from Dr. Haduong.

Mr. Cotton indicated that he understands that you cannot always be responsible for the actions of your staff. He noted that Jennifer Palmer violated the law, not Dr. Haduong as he was unaware of what had transpired. Mr. Cotton contended that Mr. Fodell did not die of a methadone overdose, that he died of a heart attack.

The Board discussed all 15 Causes of Action in depth. The 1<sup>st</sup> through 8<sup>th</sup> Causes of Action relate to Sean Tran and Evergreens Drug. The 9<sup>th</sup> through 14<sup>th</sup> Causes of Action are regarding Dr. Haduong. The 15<sup>th</sup> Cause of Action is a shared charge.

#### Board Action:

Motion: Keith Macdonald moved to find Mr. Tran and Evergreens Drug guilty of the 1<sup>st</sup> through 8<sup>th</sup> Causes of Action.

Second: Chad Luebke

Action: Passed Unanimously

Motion: For the penalty, Keith Macdonald moved to fine Mr. Tran and Evergreens Drug \$1,000.00 total for the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 7<sup>th</sup> Causes of Action. For the 5<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> Causes of Action, Mr. Tran and Evergreens Drug will be fined \$1,000.00 for each Cause, plus administrative fees and costs. Mr. Tran will be on 3 years probation and must successfully pass the MPJE within 90 days of the date of the Board's Order. If Mr. Tran fails the MPJE he must reappear before the Board.

Second: Mary Lau

Action: Passed Unanimously

Motion: Chad Luebke moved to find Dr. Haduong guilty of the 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> Causes of Action and Dismiss the 14<sup>th</sup> and 15<sup>th</sup> Causes of Action.

Second: Beth Foster

Discussion: Keith Macdonald indicated he would like to dismiss the 12<sup>th</sup> and 13<sup>th</sup> Causes of Action. This suggestion was not accepted by the First and Second.

Action: Passed with 3 yes votes and 2 negative votes.

Motion: Chad Luebke moved to fine Dr. Haduong \$1,000.00 for each of the 9<sup>th</sup> and 11<sup>th</sup> Causes of Action..

Second: Mary Lau

Action: Passed with 3 yes votes and 2 negative votes.

Motion: Chad Luebke moved to impose no fine for the 10<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> Causes of Action.

Second: Keith Macdonald

Action: Passed Unanimously

D.	James R. Thompson, R.Ph	(09-016-RPH-S)
E.	CVS/pharmacy #8789	(09-016-PH-S)

Carolyn Cramer advised the Board that the charges against CVS/pharmacy #8789 were dismissed.

James Thompson and Chris McCain, pharmaceutical technician, appeared and were sworn by President Fey prior to answering questions or offering testimony.

Maria Nutile was present to represent Mr. Thompson.

NOTE: Chad Luebke recused from participation as he is a friend of Mr. Thompson. Mary Lau advised that she will participate in this matter since CVS was dismissed.

Carolyn Cramer called Richard Linton, the complainant in this matter, to testify.

Richard Linton appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Linton testified that he takes Humulin R U100 to control his diabetes. He has taken it in injectable form since 1988. Mr. Linton indicated that he ordered a refill for his Humulin R before going on a trip to Missouri to visit a family member. Before leaving for the trip, he stayed with his wife and while there his blood sugar dropped drastically and the paramedics had to be called. Mr. Linton felt that something was wrong with the



insulin he had received and returned it to CVS #8789 when he returned from his trip. Mr. Linton stated that CVS #8789 exchanged it for what he should have had but they did not explain what he had received. They apologized to him. He later learned that what he actually received was Humulin U500 which is used in insulin pumps rather than for the injectable form he usually used.

Maria Nutile questioned Mr. Linton regarding his Humulin refill. He reiterated that he picked it up to be sure he did not run out of insulin while he was on his trip. Ms. Nutile questioned Mr. Linton regarding what it was he returned to CVS #8789. Mr. Linton described a larger bottle than he usually used but thought perhaps the manufacturer repackaged the Humulin R U100.

The Board continued testimony until Thursday morning.

Nadia Nutile requested that Mary Lau recuse from participation in this matter as she planned to present testimony regarding CVS and their procedures. Mary Lau recused.

Ms. Nutile asked Chris McCoin to testify.

Ms. Nutile asked Mr. McCoin, pharmaceutical technician, to describe the circumstances he remembered about when Mr. Linton returned to the pharmacy to return the Humulin he had received previously from CVS #8789.

Mr. McCoin testified that Mr. Linton appeared at the drive through window in a white truck. Mr. McCoin stated that he looked at the medication that Mr. Linton gave him and asked that since it was filled on November 25<sup>th</sup>, why was he returning it now. He said Mr. Linton told him that his insulin was going out of date and wanted to replace it. Mr. McCoin stated that he could not see the whole box because the label covered it, but looked at the top of the box and noticed that the Humulin Mr. Linton gave him was for a pump. He said he asked Mr. Linton if he uses a pump and was told no. Mr. McCoin discussed this problem with Mr. Thompson and they exchanged the Humulin they received from Mr. Linton for Humulin R U100. After Mr. Linton left, Mr. McCoin and Mr. Thompson opened the box and discovered that it was unopened and the seal still in place.

Ms. Nutile questioned Mr. McCoin regarding what he saw and did when Mr. Linton was returning the insulin. Mr. McCoin described packaging changes from what was dispensed and what the new packaging is like. Ms. Nutile reviewed Mr. McCoin's written statement to the Board and also asked Mr. McCoin to describe the CVS return procedure for outdated drugs.

Carolyn Cramer questioned Mr. McCoin further regarding CVS's return procedures.

President Fey asked Mr. McCoin how many vials of Humulin were dispensed to Mr. Linton in November and he responded just one.

Ms. Nutile asked Mr. Thompson to testify.

Mr. Thompson noted that he had worked for CVS for 18 years, both in Nevada and Ohio. He was terminated in January 2010 for this error that was not reported in January 2009. On March 19, 2009 Mr. Thompson testified that he wrote his statement. In that statement he reiterated that he asked Mr. Linton if he wanted an exchange for the Humulin that he was returning and that Mr. Linton told him he did want an exchange because it was short dated. At that time, he had his staff remove all the Humulin 500 from stock to ensure it did not go out to another patient by mistake. Ms. Nutile asked if CVS provided medication safety alerts to pharmacy staff. Mr. Thompson stated that they were available to pharmacy staff but they had to look them up on the CVS computer and he had never seen this alert. Mr. Thompson testified that he was unaware that there were two different strengths of Humulin. He indicated that he was aware of Humulin U100 and had no knowledge of Humulin U500 for use in pumps. When he learned he advised pharmacy staff immediately. Mr. Thompson testified that he was terminated from employment from CVS for failure to report the error according to CVS guidelines. He was terminated on January 30, 2010 after the Board filed the Accusation in this matter.

Carolyn Cramer recalled Mr. Linton. Ms. Cramer asked Mr. Linton if he had a white truck. He responded that he did not, he had a red truck. Ms. Cramer asked Mr. Linton how many times the paramedics were called and he said three times during his vacation. She asked him if he had ever experienced a reaction like this before and he indicated that he had not. Ms. Nutile asked Mr. Linton if he went to the doctor and he stated he had not because he always could control his blood sugar in the past. Mr. Linton said he only goes to the doctor if he is sick, not to control his diabetes. Mr. Linton described the packaging and the vial he received as being bigger but just thought the manufacturer had changed the packaging.

Ms. Cramer gave closing statements. Ms. Nutile acknowledged that there was an error made and if CVS was not dismissed from this matter they could have been able to provide pertinent information to Mr. Thompson's defense. Ms. Nutile concluded that perhaps Mr. Linton was confused about the circumstances.

Board Action:

Motion: Beth Foster moved to find Mr. Thompson guilty of the alleged violations.

Second: Keith Macdonald

Action: Passed Unanimously

Motion: Beth Foster moved to assess Mr. Thompson with an administrative fee of \$295.00 and participate in the Your Success Rx program once he is employed.

Second: Kirk Wentworth

Action: Passed Unanimously

F.	Warren C. Rolen, R.Ph	(09-040-RPH-S)
G.	Mountain View Pharmacy	(09-040-PH-S)

Richard Schoenfeld and John Spilatra were present to represent Mr. Rolen and Mountain View Pharmacy.

Carolyn Cramer presented a stipulated agreement they had agreed upon prior to this hearing. Ms. Cramer indicated that Mr. Rolen has agreed to work for two weeks after acceptance of this Agreement in order to hire a new managing pharmacist for Mountain View Pharmacy. At that time, Mr. Rolen has agreed to surrender his pharmacist license, which will be treated as a revocation, and not be involved in the operation of Mountain View Pharmacy other than to do the banking. Mr. Rolen will be allowed six months to sell the pharmacy and may enter the premises to show the property providing another pharmacist is present in the pharmacy. If the pharmacy does not sell within that six months, Mountain View Pharmacy's license will be revoked.

Board Action:

Motion: Keith Macdonald moved to accept the Stipulated Agreement as presented.

Second: Kirk Wentworth

Action: Passed Unanimously

4. Application for Nevada Pharmacy – Appearance:

St. Michael's Center for Special Surgery – Las Vegas

Joseph B. Staller appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Staller described St. Michael's as an ambulatory surgery center. They have an agreement with Scott Ricci, a Nevada licensed pharmacist, to be the consultant pharmacist for their facility. Mr. Staller described their procedures and their expectations from Mr. Ricci.

Board Action:

Motion: Chad Luebke moved to approve the application for pharmacy license for St. Michael's Center for Special Surgery.

Second: Keith Macdonald

Action: Passed Unanimously

5. Application for Nevada Wholesaler – Appearance:

Med-Health Pharmaceutical Products, LLC – North Las Vegas

Paul Gasiewicz appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Gasiewicz explained that this is a change of ownership for a Nevada wholesaler facility. Mr. Gasiewicz gave a brief history of his experience and qualifications to be the facility manager for Med-Health. They will serve pharmacies, practitioners, surgery centers, urgent care and hospitals.

Board Action:

Motion: Keith Macdonald moved to approve the application for change of ownership for a Nevada wholesaler license for Med-Health Pharmaceutical Products, LLC.

Second: Chad Luebke

Action: Passed Unanimously

6. Requests for Pharmaceutical Technician in Training License – Appearance:

A. Crystal Gebhart

Ms. Gebhart cancelled her appearance and will reschedule.

B. Deborah Green

Carolyn Cramer advised the Board that Deborah Green did not appear even though she was noticed for the meeting. Ms. Green is a student participating in the pharmaceutical technician program at Kaplan College and answered one of the questions on the application for pharmaceutical technician in training indicating that she had been diagnosed or treated for alcohol or substance abuse within the last five years. Ms. Green had a PRN evaluation and Larry Espadero, PRN monitor, recommended that Ms. Green not be allowed to work in a pharmacy until she has successfully completed six to twelve months in the PRN program.

Board Action:

Motion: Mary Lau moved to deny the application for pharmaceutical technician in training for Deborah Green.

Second: Beth Foster

Action: Passed Unanimously

C. Dana Hicks

Dana Hicks appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Hicks explained that he is a student at Kaplan College and that he tested positive for marijuana during a drug screening. Mr. Hicks explained that he went to a Halloween party and used poor judgment by using marijuana. Mr. Hicks had to answer a question on the application for pharmaceutical technician in training indicating that he had an incident. Mr. Hicks advised the Board that he had a PRN evaluation and the evaluation indicated that there was a low probability for chemical dependency, however he would be monitored for a period of time to ensure there would be no further incidents. Mr. Hicks appeared sincere in his determination not to repeat this behavior.

Board Action:

Motion: Keith Macdonald moved to approve the application for pharmaceutical technician in training for Mr. Hicks providing he continue with PRN until Mr. Espadero releases him.

Second: Chad Luebke

Action: Passed With One Negative Vote

D. Genero Siciliano

Mr. Siciliano cancelled his appearance and will reschedule.

7. Request for Controlled Substance License – Appearance:

Terry McAnallen, DO

Terry McAnallen and Dr. Peter Mansky appeared and were sworn by President Fey prior to answering questions or offering testimony.

Dr. McAnallen advised the Board that he was present to request a controlled substance license. He was released from treatment for alcohol dependence in January 2010 and noted that he was doing well and had obtained his license from the DO Board.

Dr. Mansky described the intense recovery program he facilitates for the DO Board. He explained that Dr. McAnallen attended a 28 day program that did not work well for him.

He then went into a six month program that worked better to address his alcohol addiction. Dr. Mansky advised the Board that Dr. McAnallen is monitored, must call in every day and is randomly drug/alcohol tested four to six times a month.

Board Action:

Motion: Keith Macdonald moved to approve Dr. McAnallen's application for a controlled substance license.

Second: Mary Lau

Action: Passed Unanimously

8. Applications for Nevada MDEG – Appearance

A. DRS Medical LLC – Las Vegas

David Sanford appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Sanford advised the Board that he will provide continuous motion equipment to patients for post op knee and shoulder therapy. That is the only product and service they will be providing. Mr. Sanford described his experience and detailed their facility procedures.

Board Action:

Motion: Kirk Wentworth moved to approve the application for MDEG provider for DRS Medical LLC.

Second: Keith Macdonald

Action: Passed Unanimously

B. OMED of Nevada, LLC – Reno

Heinz Roesch appeared and was sworn by President Fey prior to answering questions or offering testimony.

Larry Pinson advised the Board that Mr. Roesch came to him and confessed that he had been doing business in Nevada since October, 2009 and was unaware he needed a license with us. He was very up-front and wanted to correct the situation as soon as he found out he was operating without our license.

Mr. Roesch described the purpose of his business as providing general electronic equipment as a wholesaler to MDEG providers. He advised the Board that he did not

bill Medicare or Medicaid and that was probably the reason he was not advised that he needed to be licensed with us when he obtained his business license.

Board Action:

Motion: Keith Macdonald moved to approve the MDEG Wholesaler license for OMED of Nevada, LLC.

Second: Beth Foster

Action: Passed Unanimously

C. Ozomor Medical Supplies Inc. – Las Vegas

Valando Sterling and Evangeline Ramirez appeared and were sworn by President Fey prior to answering questions or offering testimony.

Ms. Sterling and Ms. Ramirez advised the Board that they were both nurses, however they are not practicing at this time. Now they would like to provide care to patients when they are recovering rather than when they are hospitalized in a more positive atmosphere. They gave an overview of how they intend to operate their MDEG facility.

Board Action:

Motion: Mary Lau moved to approve the application for MDEG provider for Ozomor Medical Supplies, Inc.

Second: Kirk Wentworth

Action: Passed Unanimously

D. StateServ Medical of Nevada, LLC – Las Vegas

Tom Allison appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Allison indicated that they moved without telling Board staff of the change of address. The Board's inspector went to do the annual inspection and found no one at the address of record. Mr. Allison is now reapplying for an MDEG license at the new address.

Mr. Allison indicated that they have four locations – one in Colorado, Arizona, New Mexico and Nevada. Mr. Allison was asked who the facility administrator is for the Nevada location and he indicated that it was Cedric Peoples. The Board questioned why it showed Anthony Perre and he stated that they must have misunderstood who they wanted on the application.

Board Action:

Motion: Keith Macdonald moved to approve the application for MDEG provider for StateServ Medical of Nevada, LLC, providing they submit an updated application showing the Nevada facility administrator within 14 days. The Board inspector will meet with the facility administrator during the inspection of the facility.

Second: Kirk Wentworth

Action: Passed Unanimously

9. General Counsel Report:

Carolyn Cramer presented the Board with a copy of the NABP evaluation of the Sanchez v. Wal-Mart case and the AG Opinion on the Prescription Monitoring Program issue.

10. Executive Secretary Report:

- A. Financial Report
- B. Investment Report

Larry Pinson gave the financial and investment reports to the Board's satisfaction. Keith Macdonald came to the Board's office and reviewed the books.

- C. Temporary Licenses

There were no temporary licenses issued since the last Board meeting.

- D. Staff Activities

1. Meetings

- a. LCHC Work Group (3/25/10)

Larry Pinson gave an update on the progress of this group in its legislatively mandated effort to address prescription drug abuse in Nevada.

- b. CSAPTF Meeting (3/25/10)

Larry Pinson reported on the regularly scheduled meeting.

1. Intervention Officer

In the absence of grant money to fund the intervention officer, Larry Pinson advised the Board that he would like to hire Janine Davis to continue her excellent and important job.. There may be an opportunity to move her into the Task Force office as staff changes occur in the future. Ms. Davis has a law enforcement background and works well in her capacity as intervention officer. Keith Macdonald recommended that we hire Ms. Davis. Mr. Pinson asked for a motion.

Board Action:



Motion: Keith Macdonald moved to hire Janine Davis as the intervention officer for the Task Force.

Second: Mary Lau

Action: Passed Unanimously

c. Rural Mental Health (3/16/10)

Mr. Pinson noted that Rural Mental Health has many issues and problems with regard to dispensing medications. This kickoff meeting was called to begin the process of gaining that compliance.

Mr. Pinson advised that he will be speaking at CBI's Inaugural West Coast Forum on Tracking State Laws and Aggregate Spend.

Katie Johnson provided a Board Law CE at the VA in Reno. She and Larry Pinson are working with *Pharmacist's Letter* and videotaped the presentation. *Pharmacist's Letter* is proposing to allow Nevada pharmacists and technicians to do the online CE without being a subscriber. This should benefit the outlying areas that find it difficult to attend a live Board staff presentation.

E. Reports to Board

1. 50 Year Certificates

Mr. Pinson read a letter from one of the 50 Year recipients about how meaningful it was to him to receive his certificate.

2. Auto

Larry Pinson reported that he purchased a new car for use in the North and sent the Ford to Las Vegas.

F. Board Related News

1. DEA Rule on Electronic Prescribing of CS

The DEA is close to allowing controlled substances to be prescribed electronically. Nevada law is more stringent (CII's not allowed to be prescribed electronically) however we have in place the regulations necessary to allow the electronic prescribing of CIII, CIV and CV's now. It would take a statutory change to allow that practice for CII's.

G. Activities Report

11. Next Board Meeting:

June 2-3, 2010 – Reno, Nevada

12. Public Comments and Discussion of and Deliberation Upon Those Comments

Dwayne Fambles, a registered pharmaceutical technician, appeared and asked some very thoughtful CII questions. The Board commended him for his appearance and request for clarification of some of Nevada's CII laws.